UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AARON MEDICAL TRANSPORTATION, INC. Employer

and Case 22-RC-070888

HUDSON COUNTY UNION LOCAL 1 AMALGAMATED Petitioner

DECISION AND ORDER REMANDING

The National Labor Relations Board has considered objections to an election held March 22, 2013, and the Regional Director's report recommending disposition of them. The tally of ballots shows 26 for and 22 against the Petitioner, with 1 challenged ballot, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions¹ and has adopted the Regional Director's recommendations² to overrule the Employer's Objections 2, 3, and 4 as they do not raise substantial and material factual issues warranting a hearing.³

1 We have treated the Empl

¹ We have treated the Employer's "Request for Review" as exceptions to the Regional Director's Report on Objections.

² The Regional Director directed a hearing on the Employer's Objection 1. The hearing was held on May 15, 2013.

³ Contrary to the Employer's contention, we find that the mere presence of union agents in the parking lot and sixth floor of the Employer's premises, without more, does not constitute objectionable conduct sufficient to overturn the election. See, e.g., *C & G Heating and Air Conditioning, Inc.*, 356 NLRB No. 133 (2011). In this regard, the Employer's reliance on *Nathan Katz Realty, LLC v. NLRB*, 251 F.3d 981 (D.C. Cir. 2001), is misplaced. In that case, two union agents, sitting in a car within the area designated as a no-electioneering zone, motioned, honked, and gestured to employees arriving at the polling location. Here, there is no contention that any union representatives were stationed in a no-electioneering zone, made any statements or

ORDER

This proceeding is remanded to the Regional Director for appropriate action consistent with this Decision and Order.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Dated, Washington, D.C., June 19, 2013

threats to voters during the critical period, or violated the orders of any Board agent. See id.; see also *All Seasons Climate Control, Inc. v. NLRB*, 236 Fed. Appx. 636 (D.C. Cir. 2007).